

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

individuals serving in those positions to three consecutive legislative bienniums and it would exclude service prior to December 2, 1992.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 85 in the negative, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-364) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-364) and sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-367) - Minority (1) "Ought Not to Pass" - Committee on Business Legislation on Bill "An Act to Centralize Licensing for Retail Businesses" (H.P. 399) (L.D. 512) TABLED - May 20, 1993 by Representative WHITCOMB of Waldo.

PENDING - Motion of Representative HOGLUND of Portland to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Hوجلund of Portland that the House accept the Majority "Ought to Pass" as amended Report and later today assigned.

The Chair laid before the House the sixth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-375) - Committee on Legal Affairs on Bill "An Act to Protect Children from Illegal Tobacco Sales" (H.P. 554) (L.D. 750) TABLED - May 20, 1993 by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I think this major piece of legislation is going to raise in the House today a critical issue, not dealing as the Joe Campbell pamphlet says in a Surgeon General's warning about quitting smoking, reducing serious risk to health, but instead dealing with the issue of how do we help and encourage in the real world and slow down smoking

getting started.

I will cut right to the heart of the matter. This bill provides for a \$5 and five minute license for purveyors for sellers of cigarettes. For those sellers who have \$100,000 gross profit, the license fee is \$50 — \$100,000 in gross profit from cigarettes, that is 20,000 cartons. The retail seller of cigarettes makes about \$5 per carton but \$100,000 worth of gross profits is needed. In fact, I talked to a seller of cigarettes who thought he was eligible for the \$50 fee, he sold 5,000 cartons in a good year. He had to increase his sales four times to be eligible for the \$50 fee. It protects the legal and supported vendors who do not wish to disobey or break the law that is now in place. It enables them to deal with vendors who do break the laws.

The facts are that 95 percent of all smokers in Maine begin smoking before they are 18, begin smoking when it is technically illegal to obtain cigarettes, 95 percent. Five thousand young people will learn to smoke in Maine this year and every year unless we develop effective enforcement on this issue. Of those 5,000 young people who begin smoking, 1,700 will die premature deaths before they ought to have died because of their smoking, 1,700 young people in Maine. We can cut that in half. We cannot cut it entirely. We all know that many young people will obtain cigarettes that really want to obtain them, but we can cut it in half and that is the reason this bill is before you.

Young people obtain cigarettes by buying them, not by stealing them, but by buying them. Over half the retailers in Maine sell cigarettes to people under 18. That is true across the country. The Signor Amendment will start to deny to states ten percent of their substance abuse block grant money beginning next year for those who do not have enforcement mechanisms in place. This is the kind of enforcement mechanism that will work and will certainly qualify for the Signor Amendment. We lose a half a million next year and the same amount for the next four years if there is no enforcement in place. I tend not to like that way of doing public policy because it is a club approach but you need to know that fact.

Sales to minors of Camel cigarettes rose from \$6 million to \$476 million in three years from 1987 to 1990. Camel cigarettes went from being the so-called World War II veteran cigarette, smoked by less than one percent of the market of young people, to something over a third of the market of young people because of the effectiveness of the Joe Camel campaign. Kids know Joe Camel better than they know Mickey Mouse. The identity is higher and of course particularly high in the 11, 12, 13, 14 year old period, not up in the 17 and 18 years of age period.

The tobacco institute said no linkage has been proven between advertising and the consumption of cigarettes, a most amazing statement that I have seen in recent times.

The market went from \$6 million to \$476 million, from 1 percent to in excess of 30 percent.

The usual solutions, clearly not working — education, some would say. The instructor in the Gardiner High School for the cessation of smoking seminar said the kids absolutely turn off from those classes when they are sent to them because they have been caught smoking on campus. There is no impact from education. Kids learn from what their peers and

the people around them do, not by what teachers tell them to do in a classroom setting on an issue like that. Some states have taken the "punish the kid" approach, Iowa and New Hampshire, it doesn't work, it creates a counter-culture. It becomes more attractive to smoke, not less attractive. The bottom line in "punish the kid" approaches is raising the ante for police so the police can enforce it more. Somehow we can criminalize it more and the police will do it. When I asked police officers in the department of my hometown, their answer was simply, "Give me a break, I can't begin to enforce it."

In fact, I find it particularly ironic that the fiscal note of another bill on this matter describes the additional workload in administrative costs are costs associated with enforcement of anti-smoking laws filed in the court system can be absorbed. It is nominal because even our fiscal office knows that there is no real chance, no real likelihood of significant criminal enforcement. It doesn't work, it won't happen.

Eight hundred kids can be saved from premature death if we do what the coalition for smoking on health nationally has suggested as a basic mechanism to deal with enforcement of prohibition against selling cigarettes to kids.

There are two ways to really deal with this issue, one is to raise the cost of cigarettes. Now, this bill does not address that, that's in the purview of the Taxation Committee and perhaps they will bring something forward on that issue but what has happened in recent days is that the cost of cigarettes have declined dramatically because of the decision to lower Marlboro, which has half of the teens' market to lower their costs directly. That was a decision by the tobacco industry, that they want to not focus on immediate profits but focus on their future markets on smokers in order to get the kids more involved.

If there is ever an environment in which the decline of smoking is affected by the increase of costs, it is young people in this area. The Canadian throb in the beginning of teen smoking has been dramatic with the dramatic increase of the cost of cigarettes in Canada. It is almost immediate when the kids realize how many CD's it has cost them by virtue of the cost of cigarettes, they slow up. It doesn't address the hard-core, addicted kid but it does address the casual experimenter and potential future hard-core addicted kid.

We have to enforce the present law more realistically. We have to have administrative officers with the Bureau of Alcohol and Tobacco, Department of Public Safety who are professionals at development a mechanism, first with a warning system, then with a short-termed pulling of a license so that the vendor knows that the fellow down the street who is selling cigarettes illegally because of the young people rolling in, that he or she will not be at a competitive disadvantage if they obey the law. There is an easy mechanism for enforcing it and also one that is far less criminalizing than the real criminal justice system. You simply pull the license for a day or two or three and the young people who came in to get their cigarettes and also got their milk and their family's newspaper or whatever will not be able to do that there. The honest purveyor of tobacco cigarettes will have an easy and effective way to deal with the purveyor who does not obey the law because they will all will be obeying it because

there will be effective enforcement there and they will not want to pay the economic cost of disobeying the law.

I have been able to turn around local variety storeowners who sometimes — one of them in particular tore out an article of me associated with this bill, circled my name and was prepared to give me heck the next time I came in and when I went in, in five minutes, this fellow realized the protection that this license gave him. He conceded he was in favor of it, for him, \$5.00, five minutes, that was all, and his protection was there next to him.

I don't know what else to say and I will sit down. This is the easiest enforcement mechanism in front of us. I urge you to support this legislation and to cut the young people beginning smoking dramatically in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I think that the title of this bill, "An Act to Protect Children from Illegal Tobacco Sales" is somewhat enticing but I want to speak to you a little about the substance of this bill.

My concern about the approach that this bill takes is that it does not recognize the cause and effect of children and smoking. This bill would establish a large enforcement structure to enforce the sale of tobacco. It would pay for that enforcement structure through a license fee. I think it is time that we stop trying to reduce or eliminate a behavior through penalties, enforcement and punishment. This is an example of outmoded thinking and it simply does not address the cause and effect.

I think if you take a look at the current enforcement structure that we have in regard to alcohol, you can see that this has not kept alcohol out of the hands of youth. We have a real problem with underaged drinking. It may prevent them from buying it over the counter in a store but it does not prevent them from drinking.

I would submit to you that this legislation, if passed, would largely prevent children from buying at a store but it would not prevent them from smoking.

There is a very high correlation of smoking among people who do not have a lot of education. I think we know some other correlations but we simply don't want to address it.

If a bill raises \$500,000, I would prefer to see that spent in a positive manner, in a way that is known to reduce whatever that behavior is. I would encourage you to accept the "Ought Not to Pass" Report, hoping that at some point we could have a positive, affirmative program that will really address the problem, not create a larger bureaucracy in an area that has been proven to be ineffective.

I hope you will join me in supporting the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: "An Act to Protect Children from Illegal Tobacco Sales" — those words are a sham. That should read "An Act to Establish and Create a New Bureaucracy called the Bureau of Liquor and Tobacco Enforcement." There are 18 pages in this bill and 10 of them speak about the enforcement and creation of this bureau. We are trying to downsize the government but we are doing just the opposite.

This is about the third time I have seen this bill come up. We are trying to cut down the cost of government but what we are doing now is "An Act to Establish the Bureau of Liquor and Tobacco Tax Enforcement." I would urge you to vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I would encourage you to vote against the pending motion "Ought Not to Pass."

I feel that this is an important piece of legislation. The fact that this legislature felt that it was important to enact legislation that prohibits the sale of tobacco, as well as liquor, to minors and we felt that it was important enough to do that and yet we are left with a system whereby we can't enforce the laws. So, I say to you, if you felt or the people who have come here before us have felt that it was important to limit the sale of tobacco as well as alcohol to youths, then I say this is the piece of legislation that you need to support.

I am not going to stand here and say to you that we should be expanding bureaucracy but sometimes we need to look at what bureaucracy can do. It is very obvious that there is no way that we can enforce these laws without more people to enforce them. If this bill can, in any way, help the alcohol enforcement, the I say, why would we be against it? Who in this room will support the fact that it is okay for kids to drink and to smoke? We all know, my kids are in high school, and my high school is not any different than yours, that it is a piece of cake to get alcohol and tobacco. There is no problem and the kids totally ignore the law and we are left helpless with laws that we can't enforce so I really ask you to think about what is going on.

I just want to mention to you a sting operation that was done in the Kennebec County just this winter and it was a group of five teenagers who sort of participated in the sting operation in which they were able to purchase cigarettes in 38 of the 56 gas stations, grocery stores, pharmacies and other retail outlets that they visited. This was done under the supervision of the American Lung Association and I think it demonstrates very well how easy it is for kids to buy tobacco.

I am not going to reiterate all the statistics and everything that you have just heard but I really want you to think about the fact that education is fine and that is the way we should proceed but education all by itself isn't always effective. I think if you have some very powerful enforcement laws and a mechanism in place to enforce those laws, along with education, then you really get results. I think that has been proven over and over again in other issues.

This bill has a fiscal note of some sort but I ask you to think about, do you want the fiscal note now or do you want it later? Because, as the Representative from Portland said, we will be in violation of federal laws very quickly and our substance abuse block grant money is about \$4 million and the figures I have, we could stand to lose as much as 40 percent of that over the course of years. So, I really ask you to think seriously before you vote to kill this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative

DiPietro.

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I stand on this day because I feel that some of the things you heard from some of the people that have spoken before me are really not completely a hundred percent the truth. One, in this bill it says \$5, five minutes for a storekeeper that does x-dollars, which is fine. I have a supplier who has been in this tobacco business for 50 years, two generations, that gentleman's license is presently between \$10 and \$25. With this bill, this gentleman is going to have to pay \$5,000 a year. I ask you, from \$10 to \$25 a year this man is going to have to pay \$5,000?

We talk here about trying to build jobs and give tax credits for people so they can keep working — do you realize what this will do to the small guy? They are not all big businessmen, they are little people, this is a family that has owned this business for 25 or 30 years that I buy from and now they've got to pay \$5,000 for a license.

I agree with the gentleman from Portland, what we need is more education, we have got to take these kids and we've got to teach them how much harm tobacco will do. I will give you just a quick example of what happened last night, a very pretty young lady came into my store, probably 16 or 17 and said, "I would like a package of Marlboro's." I said to her, "Do you have some identification?" She said, "I have it at home." I said, "Well then, you go home and get it." Two minutes later, in comes a young man 22 years old that said he wanted a pack of Marlboro lights. I said to him, "Who are they for?" He said, "That young lady out there." So, they are going to buy cigarettes, they are going to find a way to get the cigarettes, there are people who buy them beer the same way. I have people come into my place and when they buy three different kinds of six-packs of beer, I know they are buying for three different people — but he is of age. I am not concerned what they do with it after they walk out of my store, I am only concerned what happens in my store.

This is a bad bill because there is no way if a young man or a young lady wants to smoke, they are going to have that right and they are going to do so but, please, please think of the people that we are going to put out of business by passing a bill like this.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: You have heard several times mentioned to you the concern about losing some federal funds if we don't pass this bill and I would just like to address that.

The federal government, in an attempt to encourage states to do what the federal government does not have the political will to do, has passed a bill, which has a piece called the Signor Amendment, which threatens to remove part of state substance abuse block grant funds if they do not conform to several regulations. One of those, and the piece that requires legislation, is that states have a law in place which prohibits the sale to minors. Now, Maine has that law in place and it is my opinion, as well as several others, that there is no other legislation needed. There are other things that are needed and one of those would be strategies for enforcement. We have a law on the books and, hopefully, this summer some of the people who are

concerned about this will get together and address the issue of developing strategies for enforcement.

One of those strategies would likely be a sting operation which was mentioned earlier by Representative Pendexter. There was a sting that was held in Kennebec County solely for the purpose of determining that there are illegal tobacco sales. To my knowledge, there is no one that disagreed with that but a considerable amount of time was spent proving that there are illegal sales going on today but a sting can take place, there could be a handful of stings and I think this is supported by a number of interests. This does not require legislation. We can develop strategies for enforcing our laws on the books without legislation.

Again, we have no reason to believe at this time we are going to lose our federal funds and I hope that you will join me in supporting the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I have to clarify, which was on the fact sheet, the exact situation with the fee, the exact situation because this is the only point at which the so-called bureaucracy enters into the picture and that is the moment of getting the license for those who are obeying the law. For thousands of sellers of tobacco products who have a gross profit from the selling of those tobacco products of less than \$100,000 a year, that is the overwhelming majority of purveyors of tobacco or the Mom or Pop's. Those who sell less than 20,000 cartons per year, the fee is \$5 and a five minute license. For those in the hundreds, supermarkets who sell over 20,000 cartons, thus giving them over a \$100,000 gross profit from the sale of those cigarettes, they have a \$100,000 of profit, their fee is \$50 but still five minutes.

The only time for a larger fee, the \$5,000 fee, is for the distributors, the wholesale distributors, of whom I am told there are a couple dozen in the State of Maine. Those are the wholesale distributors who provide them and who are the essential figure in the tobacco distribution network. For those companies, however they are owned or how is legitimate Maine businesses we went to support them, their whole profit is in it, their fee is \$5,000 for a couple of dozen companies in the wholesale/distribution of this mammoth industry. For those purveyors who want to remain legal, we can support them. For those beginning smokers, we can cut it in half, not all, it would nice to cut all, but nobody has ever defended that, cut it in half, not to get to the hard-core that the Representative from South Portland referred to who were willing to go to those lengths to get their cigarettes. You can cut it in half, that is 800 premature deaths.

This is a major issue. From my point of view, this is the tobacco issue because it is the future of our state.

Mr. Speaker, I do request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Pfiesser.

Representative PFIEFFER: Mr. Speaker, Members and Colleagues of the House: I have here a letter from the R.J. Reynolds Tobacco Company, which was addressed to Day's News on Main Street in Brunswick.

Day's News is not only where we get our newspapers, it is the social center of Brunswick. It is a place where everybody shows up sooner or later. They also sell a great many cigarettes. The letters says in part: "Dear Retailer: Cigarette profits go up in smoke. Thousands of retail jobs are lost. That's the headline you could soon be reading unless you act now to protect your sales. Sales will suffer, your cigarette profits could drop through the floor. Tell your Representatives what you think about this issue. Tell them now. If you don't, your profits could plummet in a matter of months."

This was a letter given to me by the proprietor of Day's News. It refers to a potential federal tax on cigarettes, not to the legislature and before it, but it was given to me by the proprietor as an example of the sort of pressure that is being exerted on retailers in this state. It was counterproductive in his case because it annoyed him so much that he handed it to me and said, "See what they are trying to do to us." The proprietors support this legislation. He does not sell to students or children, he never will, and he feels that this legislation affords him a measure of protection.

I would urge you to vote against the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: As you know, this is my first attempt to fly in front of this body. I will try to do it without quoting a lot of numbers, a lot of statistical information and I really don't have any notes, so I will speak to you from practical experience and from the heart. Some of you may, after I complete my speech, say, what in the world are you doing as an educator of four decades to come forth and to ask you to vote "Ought Not to Pass" on this bill?

I do this this morning because I don't believe it is the course of action that we should take and I happen to believe that education, the proper education, with a great deal of stability and a great deal of commitment and to have people perhaps, after decades of forgetting that when many of you grew up, you emulated people and the type of habits that they had.

Many of you know that I have always been interested in athletics and I would like to think that I did pay my dues and maybe I was a fair one. I remember my coach telling me not to ever smoke because I told him I wanted to be six feet tall. Well, take a look and I have never smoked in my life but that proves respect and I have preached that. Many of you have asked me, "What do you have on your lapel?" It is "Attitude." I have passed these out to many, many students with the idea that as long as their attitude is proper, they make keep it. I didn't give it to them, I would loan it to them.

I believe with the proper education in that way, and I ask each and every one of you in the House, if you feel so strongly about smoking and I certainly do, how many of you have personally taken the time to speak to the young people that you know are smoking?

I coached basketball for 35 years and a lot of my boys and girls that I coached smoked but when I found out about it, if some of you people talk to coaches you know about suicide runs and you think of the horse that is coming down the stretch and his tail is right down low and his tongue is hanging out — well,

that's what happens to an athlete if he smokes and if the coach really wants to teach him a lesson. I do not believe that enforcement of what is brought forth in this particular L.D. will do what we want it to do.

How many of you have thought about turning off your TV when you are watching the sports programs that are prevalent on TV, because they are sponsored primarily by the liquor and the tobacco industry? If we stop watching them, then those particular monies that are put aside for the athletes, and this might help us because I can tell you and I am sure you know that there are many industries who are making all sorts of money simply because of having the sports stars speak in favor of this, that or what have you. I am pleased to see that there is not as many of the athletes that are supporting liquor and tobacco. We have a current law actually that can help us enforce this but I don't believe that since it was passed that there is actually any enforcement whereby that they are brought to court.

A colleague here on the floor of the House spoke about the sting effect of the young people that was sponsored by the lung association and evidently it was also okayed by a sheriff in one of our counties to send young people 16 and 17 years old out to see how many cigarettes they could purchase and to put the name of the people who sold them to them because they were minors — now, the last time I checked the law, that is against the law and I take issue with that. I think with the proper education and getting back to where perhaps we were years ago, and I know many of you perhaps don't want to go back and I don't know as I want to do many things, but I tell you we have lost many things in our society because we have been afraid to stand up to be counted, we have been afraid to try to educate the youth through emulation or by taking an interest in young people and gaining the respect from them by not what you say but by what you do.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I will just briefly respond to the some of the comments made by the Representative from South Portland who I would expect him to be nothing other than a very responsible manager of his business. But, I would say to you that not everybody is as responsible as the kind Representative from South Portland.

There is a problem and it has been stated here over and over again that it is very easy for teenagers to buy cigarettes and what this bill does is that it addresses that problem. As it stands now, vendors have really nothing to lose if they do sell tobacco to minors, a small fine, they really don't think about it very much because it doesn't really matter to them. But, when you put at stake their license to sell tobacco, then they might think twice about doing it next time.

I just want to remind you that tobacco sales to kids is a billion dollar business and according to figures given to us by CDC, that half of the tobacco industry profits which is \$3.35 billion is derived from sales to smokers who become addicted as children. We need to think about some of what we are fighting here as a big industry with big money.

I have never denied the fact that education is important but it needs to go hand in hand with some effective and efficient enforcement.

The kind Representative from South Portland talked about the fact, why should we worry about selling it to minors because they can just have somebody buy it for them or anybody can give it to them and I say, is that really the attitude to have? I would say to you, get this to legislation to second reader and I will gladly put in an amendment that will take care of the second step of this problem which is to make the laws reflect the seriousness of procuring this substance and giving it to minors. Also, maybe we should think about enforcing laws in regards to possession of this substance by minors. If we really want to be tough about this particular problem, I think we need to really stop and think about what are we doing. I would gladly, if you take it to second reader, put in an amendment that takes care of that problem.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make two points to this body that I don't know has been clearly laid out as it ought to be. I am going to read from a fax that was sent to the new Director of the Office of Substance Abuse on April 2nd of this year, 1993. It concerns what may happen to our federal funding as a result of the fact that our laws right now are ineffective in this regard. The fax states that "Section 1926 of the federal law indicates that states and they only receive their fiscal year 1994 substance abuse money if they have the appropriate law in effect. Our reading of the state's law must include several components. A copy of your state's law must be included as part of the application." It lists the major requirements and you will see that our law, right now, does not meet the requirements.

"It is important to examine your law carefully to ensure that it covers each aspect, that is, both sales and distribution must be covered, all tobacco products must be included and any manufacturer or retailer or distributor must be covered by the law. Other major requirements are as follows: first, enforcement efforts must be underway in most states by fiscal year, 1994, and some in fiscal year, 1995.

Second, random unannounced inspections are required to be conducted during the first applicable year.

Third, states are required to send their annual reports providing data on the 'extent of success' that the state has in achieving reduced availability of tobacco products to individuals under age 18." Lastly, "The state must report annually on the strategies they have used as well as those they will be employing to enforce the state law."

Our current laws do not meet the standards, this legislation will bring it up to that standard to meet the federal law.

Secondly, I would just like to point out that, from what I understand, there are young people who are greatly affected by this law that would very much support the pending legislation. I know that because here today are students from Gardiner Area High School where my constituents who cared so much about this that they formed a group in Gardiner to advocate for it. They testified on the bill before the Legal Affairs Committee and they are here today to talk to legislators. They have been handing out a fax sheet that is on pink paper which is the Kennebec Journal's endorsement of this legislation. I hope you will

take the time to read that and to talk to them because I think they know what they are speaking about. They are students and they know what is going to be effective for students such as themselves in preventing additional tobacco smoking.

I urge you to vote against the pending motion so that we can go on to accept the "Ought to Pass" Report.

Representative Daggett of Augusta was granted permission to address the House a third time.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the Representative from Gardiner, Representative Treat's clarification of the Signor Amendment by reading that fax. I would just like to repeat those issues to you so that you can hear them.

The main issue requested by the feds, demanded by the feds, is that we have a law on the books that prohibits the sale to minors. The other issues are, and these are right from the material which she read, enforcement efforts, inspections, annual reports and strategies. These are not items which require legislation. They certainly require action but not legislation.

The students from Gardiner did come and speak before us and were certainly a powerful influence. I would like to mention to you one thing that hasn't been mentioned today and that is a program which ran a couple of years ago, a community effort that was begun in a county northwest of here. In that program, the community became so concerned over teenage smoking that an effort was started at the community level, which is my understanding resulted in some real changes of youth smoking. That program happened without this legislation and that program or programs like that could be begun anywhere in this state. What is needed is the concern of people in this state to get programs begun in their communities in the same way that this group of students from Gardiner has become concerned.

This law is superficial and does not address the problem. It has a great title, it has a great goal, but there is absolutely no reason to believe that this law will take the place of a community mobilized around a problem. I would encourage you to join me in supporting the "Ought Not to Pass" Report and support programs in your communities that actually address the problem.

Representative Richardson of Portland was granted permission to speak a third time.

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Finally, let me say that the issue is not the Signor Amendment, the issue is not a great change of heart in Mainers, those are both facts but they are not the issue. The issue is the Doonsbury cartoons on your desks, the de facto signs. In over half of the purveyors of tobacco products, the stores that sell cigarettes, we can make the de facto sign dealing with behavior, cutting it in half by saying, "This store really for its own reasons does not sell cigarettes to minors."

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Augusta, Representative Daggett, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 123

YEA - Aikman, Aliberti, Anderson, Bennett, Bowers, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cashman, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Hichborn, Hussey, Jacques, Jalbert, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Michaud, Mitchell, E.; Nadeau, Nash, Nickerson, Norton, O'Gara, Paradis, P.; Pineau, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Saint Onge, Saxl, Simoneau, Spear, Stevens, A.; Strout, Taylor, Townsend, G.; Tracy, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton.

NAY - Adams, Ahearne, Barth, Beam, Birney, Brennan, Chase, Dexter, Fitzpatrick, Gean, Heeschen, Hillock, Hoglund, Holt, Johnson, Kilkelly, Marsh, Melendy, Michael, Mitchell, J.; Oliver, Pendexter, Pendleton, Pfeiffer, Pinette, Richardson, Rowe, Rydell, Simonds, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, L.; Treat, Wentworth, Winn.

ABSENT - Ault, Bailey, H.; Bailey, R.; Carr, Cathcart, Coles, Constantine, Heino, Larrivee, Lemke, Libby Jack, Martin, H.; Morrison, Murphy, Ott, Ruhlin, Skoglund, Small, Tardy, Thompson, The Speaker. Yes, 93; No, 37; Absent, 21; Paired, 0; Excused, 0.

93 having voted in the affirmative and 37 in the negative with 21 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Expand Opportunities for School-to-work Transition Services Utilizing the Jobs for Maine's Graduates Model" (EMERGENCY) (S.P. 509) (L.D. 1535) (Governor's Bill)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Martin of Eagle Lake, Recessed until four-thirty in the afternoon.